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## BOOK REVIEWS.

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THE COLLECTED PAPERS OF JOHN WESTLAKE ON PUBLIC INTERNATIONAL LAW, edited by L. Oppenheim, M.A., LL.D. Cambridge, University Press, 1914. Pp. xxix, 705.

To most lawyers Professor WESTLAKE has been best known as the author of the classic treatise upon PRIVATE INTERNATIONAL LAW, which first appeared in 1858 and is now in its fifth edition. His interest in Public International Law developed in the course of years so that his later writings were largely in that field. Professor OPPENHEIM, WESTLAKE'S successor at Cambridge, has appended to the well-known CHAPTERS UPON INTERNATIONAL LAW, which appeared in 1894, WESTLAKE'S shorter studies covering an astonishing range of time (1856 to 1913) and a variety of subjects. The volume is unwieldy and one regrets that the Chapters were not printed in one volume, the Papers in another.

For calm and dispassionate reasoning, humanitarian but not sentimental, WESTLAKE always excites respect and admiration. His inaugural lecture at Cambridge (1888) on the NATURE OF INTERNATIONAL LAW is an excellent statement of the position that International Law is a true law of international society, a thesis later elaborated in his Chapters. Some of the essays are surprisingly fresh in interest, although written many years ago. Particularly so for us is the one on the SALE OF CONTRABAND, which appeared at the time of the Franco-Prussian war, when Prussia, through her ambassador at the Court of St. James, Count Bernstorff, the father of the present German ambassador to the United States, protested against the failure of Great Britain to forbid her nationals selling munitions of war to France. Indeed, it is doubtful if a more admirably presented statement of the neutral position can be found. In connection with recent British prize-court decisions the essay entitled "IS INTERNATIONAL LAW A PART OF THE LAW OF ENGLAND?" (1906) is particularly timely. WESTLAKE decided, with some reservations, this question in the affirmative, a conclusion which should be reconsidered in the light of the recent study by Mr. PICCIOTTO upon the same subject. The volume is in all respects a valuable adjunct to WESTLAKE'S monumental treatise upon PUBLIC INTERNATIONAL LAW, which is certainly one of the best systematic works upon the subject in any language. J. S. R.

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SELDEN SOCIETY. VOLUME XXVI. YEAR BOOKS OF EDWARD II. VOLUME VI. 4 EDWARD II (A. D. 1310-1311). Edited by G. J. Turner, London: Bernard Quaritch. 1914. Pp. cii, 228.

After a delay of three years volume VI of the Year Book Series has at length appeared. For this volume Mr. G. J. TURNER, who assisted in the preparation of volume IV, is solely responsible. It contains all the reports of Hilary Term and all except a few of those of Easter Term, 4 Edw. II. The presentation of the text is excellent; in that respect this volume leaves nothing to be desired.

It is inevitable that the reader should compare the long and somewhat spiritless introduction with the brilliant performances of the late F. W. MAITLAND which were so distinctive a feature of the first volumes of this series. Mr. TURNER has had access to two additional manuscripts and other materials for textual criticism. In consequence he devotes one section of his introduction to a consideration of the various manuscripts and their owners, this discussion applying to the whole series. This research, which must have involved considerable labour, was undertaken with the idea of throwing new light on the purposes for which the Year Books were compiled through the discovery of the particular persons who owned the early copies. Unfortunately this inquiry produces no definite results, though new evidence is brought forward. This leads Mr. TURNER to raise again the much debated question of the origin of the Year Books. Against the general acceptance of MAITLAND's theory that the Year Books were not official reports, the learned writer urges that it be remembered that MAITLAND expressly stated that his opinion related to the earliest period and that he refused to speak definitely "of an age he had not observed." Mr. TURNER seeks to study the origin of these books in the light of their later history. We must confess to some surprise when Mr. TURNER argues sympathetically for a reconsideration of the tradition to which *Plowden* refers in the prologue to his reports. (ed. of 1578.) The fact that it was accepted by COKE, BACON, and BLACKSTONE will not carry much weight with those who are familiar with the historical vagaries of those writers. It must be admitted that a more careful study of the later Year Books may lead to the conclusion that they were official. The character of the reports in the present volume, however, seems to us to corroborate MAITLAND's theory. Surely if a line is to be drawn between the Year Books as students' note books and as official reports, those of the reign of Edward II must fall in the first category. We feel on that account that the editor's theory is somewhat premature.

W. T. B.

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BARTOLUS ON THE CONFLICT OF LAWS, translated into English by Joseph Henry Beale, Royall Professor of Law in Harvard University, Cambridge: Harvard University Press, 1914. Pp. 86.

That portion of *BARTOLUS'S COMMENTARY ON THE CODE* bearing upon the conflict of laws was reprinted as an appendix to GUTHRIE's translation of SAVIGNY'S *PRIVATE INTERNATIONAL LAW* (second edition, 1880). Professor BEALE has made the first English translation of this text. In so far as comparison has been made with the Latin text the translation seems to be faithful and accurate and withal extremely readable. Notwithstanding Mr. BEALE's modest self-appraisal as a latinist, he has managed to give a rendering which is full of life and spirit and in a tone of friendly informality. Such an endeavor is well worthy of the form in which it appears; the type is clear, the paper beautiful, and the book is adorned with a portrait of *BARTOLUS* and an interesting reproduction of an old print showing the great master holding a class at Pisa or Perugia. To judge from this picture *BARTOLUS*